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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,886	02/12/2001	SadAo Ito	1232-4685	9637

27123 7590 02/28/2006

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/781,886	ITO ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14, 15, 18-27, 34, 35, 38-43, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14, 15, 18-27, 34, 35, 38-43, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-7, 14, 15, 18-27, 34, 35, 38-43, 46, and 47 have been examined.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7

Claims 1, 2, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Peterson et al. (U.S. Patent 6,324,522). As per claim 1, Saastamoinen discloses an information providing system, comprising: a database storing respective object prices at apparently a plurality of bases ("points of delivery") of a certain object in a case where the certain object is purchased at the plurality of bases from each supplier corresponding to the plurality of bases (paragraph beginning "The material management system," page 6 of the enclosed printout of Saastamoinen). Saastamoinen does not expressly disclose display control means for displaying information of said prices, bases, and each supplier as stored in said database on display means, but a database as Saastamoinen describes would have little purpose without display means for displaying the stored data, and Peterson teaches display control means for displaying price information, etc. (column

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13, line 42, through column 14, line 16; column 15, lines 16-57; column 22, lines 15-47).

Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information providing system comprise display control means, etc., for the obvious advantage of enabling concerned persons to access the data.

As per claim 2, Saastamoinen discloses unit price information about objects (paragraph beginning "The material management system," page 6 of the enclosed printout of Saastamoinen).

As per claim 7, Saastamoinen does not expressly disclose displaying cost cutting information, although information which can be used to cut costs by not paying erroneous invoices can be described as cost cutting information (see three paragraph beginning from "The material management system"), but Peterson teaches that the display control can further display cost cutting information (column 15, line 58, through column 16, line 3). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display cost cutting information, for the obvious advantage of increasing profitability by cutting costs.

Claims 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen and Peterson as applied to claim 2 above, and further in view of Kojima et al. (U.S. Patent Application Publication 2003/0078862). As per claim 3, Saastamoinen discloses unit price information about the objects, as set forth above, but does not expressly disclose a total quantity and/or a total amount of money; however, Kojima teaches this (Figure 46; paragraph 170). Hence, it would have been obvious to

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one of ordinary skill in the art of electronic commerce to have the display control means display a total quantity and/or a total amount of money, for such obvious advantages as enabling users of the system to track total prices paid, judge the correctness of invoices, etc.

As per claim 4, Saastamoinen does not expressly disclose that said display control means displays an amount of money based on a present currency of the bases (although the prices disclosed by Saastamoinen would presumably be in a present currency of the bases), but Kojima teaches displaying an amount of money based on a present currency of a seller (Figures 17 and 46; paragraphs 100 and 170). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce to display an amount of money based on a present currency of the bases, for the obvious advantage of informing potential purchasers of how much desired or purchased objects cost.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen, Peterson, and Kojima as applied to claim 4 above, and further in view of the McKendrick article, "ResQ!Net.com Gives 5250 a Complete Makeover."

Saastamoinen does not disclose that said display control means further displays an exchange rate, but McKendrick teaches displaying an exchange rate (paragraph beginning "Version 3.2 of the product"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display an exchange rate, for the obvious advantage of enabling a user to determine the cost of an object in a preferred currency.

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Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen and Peterson as applied to claim 2 above, and further in view of official notice. Saastamoinen does not expressly disclose displaying a difference in unit prices among objects, in addition to the unit prices themselves, but official notice is taken that it is well known to display differences between numbers (spreadsheet programs, as well as the mathematical operation of subtraction, being common and well known). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display a difference in unit prices among objects, for the obvious advantage of helping judge where savings might be made.

It is noted that claims 1-7 use "means for" language. Nonetheless, they are not treated as invoking 35 U.S.C. 112, sixth paragraph. If Applicant wishes to invoke 35 U.S.C. 112, sixth paragraph, Applicant should provide an explicit statement to that effect. 35 U.S.C. 112, sixth paragraph states:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Claims 14, 15, and 18-20

Claims 14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Leal et al. (U.S. Patent 5,311,437). As per claim 14, Saastamoinen discloses an information providing system, comprising: a database storing item information including respective

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amount-of-money and/or respective unit price information at apparently a plurality of bases ("points of delivery") of a certain object in a case where the certain object is purchased at the plurality of bases from each supplier corresponding to the plurality of bases (paragraph beginning "The material management system," page 6 of the enclosed printout of Saastamoinen). Saastamoinen does not expressly disclose display control means for displaying information including respective amount-of-money and/or respective unit price information, bases, and suppliers, but a database as Saastamoinen describes would have little purpose without display means for displaying the stored data, and Leal teaches means for displaying information, specifically material information (column 4, line 65, through column 5, line 8; column 6, lines 17-54). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information providing system comprise display control means, etc., for the obvious advantage of enabling concerned persons to access the information; and to have the information be material information, for the obvious advantage of applying the system disclosed by Saastamoinen to the purchase of materials.

As per claim 18, Leal teaches that the database stores weight information about materials (column 4, line 65, through column 5, line 6). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database store weight information, for the obvious advantages of comparing invoices with materials ordered or received, and designing product in accordance with a weight of materials needed or available.

As per claim 20, Leal teaches that the database stores at least one of specification information, approved color information, and environment information about materials (column 5, lines 23-65; column 6, lines 23-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the database to store at least one of these types of information, for the stated advantage of taking environmental information, such as requirements for hazardous waste disposal (see column 2 of Leal) into account.

Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen ("Case Study on Exceptions") and Leal et al. (U.S. Patent 5,311,437) as applied to claim 14 above, and further in view of Sebastian (U.S. Patent 5,552,995). As per claim 15, neither Saastamoinen nor Leal expressly discloses that said database stores resin material information and/or mechanical parts material information, but Sebastian teaches a database storing resin material information (column 16, lines 30-36). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database store resin material information and/or a mechanical parts material, for at least the obvious advantage of providing relevant information about resins, an important class of materials.

As per claim 19, Saastamoinen discloses a database storing product information, and Leal teaches a database storing material information, but neither discloses that said control means displays information about the products in which the materials specified by said specifying are used after searching said database for the information. However,

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Sebastian discloses a database storing material information and product information (e.g., column 4, lines 36-57; column 19, lines 57-67); and discloses displaying information about products in which the specified materials are used after searching said database for the information (column 5, line 48, through column 6, line 34; column 15, lines 9-31; column 16, lines 13-36; column 22, line 18, through column 23, line 30; claims 32 and 33). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the control means display information about the products in which the materials specified by said specifying are used after searching said database for the information, for the stated advantage of assisting in product design.

It is noted that claims 14, 15, and 18-20 use "means for" language. Nonetheless, they are not treated as invoking 35 U.S.C. 112, sixth paragraph. If Applicant wishes to invoke 35 U.S.C. 112, sixth paragraph, Applicant should provide an explicit statement to that effect. 35 U.S.C. 112, sixth paragraph states:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Claims 21-27

Claims 21, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Peterson et

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al. (U.S. Patent 6,324,522). Claims 21, 22, and 27 are closely parallel to claims 1, 2 and 7, respectively, and rejected on essentially the same grounds.

Claims 23, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen and Peterson et al. as applied to claim 22 above, and further in view of Kojima et al. (U.S. Patent Application Publication 2003/0078862); and in the case of claim 25, also in view of McKendrick's article.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen and Peterson et al. as applied to claim 22, and further in view of official notice.

Claims 23-26 are closely parallel to claims 2-6, respectively, and rejected on essentially the same grounds.

Claims 34, 35, and 38-40

Claims 34, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Saastamoinen ("Case Study on Exceptions") in view of Leal et al. (U.S. Patent 5,311,437). Claims 34, 38, and 40 are closely parallel to claims 14, 18, and 20, respectively, and rejected on essentially the same grounds.

Claims 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Leal et al. (U.S. Patent 5,311,437) as applied to claim 34, and further in view of Sebastian (U.S. Patent 5,552,995). Claims 35 and 39 are closely parallel to claims 15 and 19, respectively, and rejected on essentially the same grounds.

Claims 41-43

Claim 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Peterson et al. (U.S. Patent 6,324,522) as applied to claim 1 above and further in view of official notice. Claim 43 is rejected as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Peterson et al. (U.S. Patent 6,324,522) and official notice, and further in view of Kojima et al. (U.S. Patent Application Publication 2003/0078862) as applied to claims 2 and 3 above. Claims 41, 42, and 43 are essentially parallel to claims 1, 2, and 3, respectively; Saastamoinen does not disclose a computer-readable medium storing instructions for carrying out the recited steps, but official notice is taken that computer-readable media storing instructions are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store instructions for carrying out the steps of claims 41, 42, and 43 on a computer-readable medium, for the obvious advantage of enabling a computer to carry out the method.

Claims 46 and 47

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Leal et al. (U.S. Patent 5,311,437) as applied to claim 14 above and further in view of official notice. Claim 47 is rejected as being unpatentable over Saastamoinen ("Case Study on Exceptions") in view of Leal et al. (U.S. Patent 5,311,437), and official notice, and further in view of Sebastian (U.S. Patent 5,552,995). Claims 46 and 47 are essentially parallel to claims

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14 and 19, respectively; Leal does not disclose a computer-readable medium storing instructions for carrying out the recited steps, but official notice is taken that computer-readable media storing instructions are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store instructions for carrying out the steps of claims 46 and 47 on a computer-readable medium, for the obvious advantage of enabling a computer to carry out the method.

Response to Arguments

Applicant's arguments filed February 7, 2006 have been fully considered but they are not persuasive. Applicant argues that "prices" in the present invention means "respective object prices at a plurality of bases of a certain object in a case where the certain object is purchased at the plurality of bases from each supplier corresponding to the plurality of bases." First, Examiner observes that this definition of prices is not an actual claim limitation.

Applicant argues that "it could have happened that the prices are different by purchasing the object from a plurality of bases or suppliers." Examiner replies that this could have happened in Saastamoinen, as well. Claims can only be found allowable based on their actual limitations, not on what could have happened, or on meanings of words that are not limitations. Applicant argues that the "points of delivery" of Saastamoinen do not correspond to "bases" as recited in the claims, where objects are purchased at bases. Examiner replies that Applicant does not in fact establish that the

"points of delivery" in Saastamoinen are not places where objects or items are purchased.

Furthermore, even if, *ad arguendo*, the object price data stored in the database of claim 1, and then displayed on the display means, can be distinguished from price data known in the prior art, that would not be sufficient to make the claims patentable. The price data would be merely non-functional descriptive material, and would not make claim 1 patentably distinct from prior art databases and display means, unless something were recited as being done with the price data that could not be done with any data.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dworkin (U.S. Patent 4,992,940) discloses a system and method for automated selection of equipment for purchase through input of user desired specifications. It is noted that Dworkin discloses a database of prices of products available from multiple suppliers (e.g., column 2, lines 25-32).

This is a Request for Continued Examination of applicant's earlier Application No. 09/781,886. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the

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next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

February 21, 2006

Interview Summary	Application No.	Applicant(s)	
	09/781,886	ITO ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Nicholas D. Rosen. (3)_____.

(2) James Hwa. (4)_____.

Date of Interview: 16 February 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1-7,14,15,18-27,34,35,38-43,46 and 47.

Identification of prior art discussed: Saastamoinen.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: On February 16, 2006, Mr. Hwa called to discuss the case, and argue for the possible patentability of the claims. Examiner Rosen was dubious, and said that even if he were persuaded, it would be necessary to get approval from the second pair of eyes to allow the case. He said that he would consult someone, and get back. On February 21, Examiner Rosen called and left a voicemail for Mr. Hwa, saying that he had consulted the business practices specialist, who did not see anything patentable in the claims. Also, a point which had arisen before, given that databases and displays are known prior art, it would probably not be possible to patent a particular database on account of the data therein, unless the claims recited doing something with the data that could not be done with any data; otherwise the data would just be non-functional descriptive material.

Notice of References Cited	Application/Control No. 09/781,886	Applicant(s)/Patent Under Reexamination ITO ET AL.	
	Examiner Nicholas D. Rosen	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,992,940 A	02-1991	Dworkin, Ross E.	705/26
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
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	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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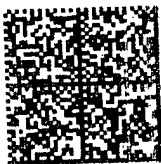
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